

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SOLUTIA INC.,)
)
Plaintiff,) CASE NO. _____
v.)
)
ESIS, INC.,) JUDGE _____
Defendant.) **JURY TRIAL DEMANDED**

NOTICE OF REMOVAL

In accordance with the provisions of 28 U.S.C. § 1441, *et seq.*, notice is given as follows:

1. Defendant ESIS, Inc. (hereinafter “ESIS”) removes this action from the Circuit Court for St. Louis County, Missouri, Case No. 09SL-CC04284, to this Court, pursuant to 28 U.S.C. §§ 1332 and 1441, *et seq.*

2. Plaintiff Solutia Inc. filed its Petition against Defendant on October 2, 2009 seeking damages for breach of contract, breach of fiduciary duty and negligence. A copy of the original Petition is attached as Exhibit A. Defendant was served with Plaintiff’s Petition on October 16, 2009. A copy of the return of service is attached as Exhibit B. As such, this Petition is filed within the time period set forth in 28 U.S.C. 1446(b).

3. In its Petition, Plaintiff states it is a Delaware corporation with its principal place of business at 575 Maryville Centre Drive, St. Louis, Missouri 63141. See Exhibit A at ¶ 1.

4. ESIS is a Pennsylvania corporation with its principal place of business located at 436 Walnut Street, Philadelphia, Pennsylvania 19106. See Exhibit B at ¶ 2; See also Affidavit of James Bond (attached as “Exhibit C”), ¶ 4.

5. As such, complete diversity exists between the parties pursuant to 28 U.S.C. 1332(a).

6. In each Count of its Petition, Plaintiff seeks damages in excess of One Million Dollars (\$1,000,000.00). As such, Plaintiff's damages are in excess of this Court's jurisdictional limit under 28 U.S.C. 1332(a).

7. The Circuit Court for St. Louis County, Missouri, the court in which this action is pending, is located within the jurisdiction of the United States District Court for the Eastern District of Missouri, Eastern Division.

8. Removal of this action is proper under 28 U.S.C. § 1441, *et seq.*, because this Court has original jurisdiction over this matter.

9. The Court has jurisdiction over this action, pursuant to 28 U.S.C. § 1332(a) because it is a civil action between citizens of different states in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal is being given promptly to Plaintiff by service hereof, and a copy of the Notice of Removal is being promptly filed with the Circuit Court of the City of St. Louis, Missouri, as required by 28 U.S.C. § 1446(d).

THEREFORE, Defendant removes this action from the Circuit Court for St. Louis County, Missouri to this Honorable Court.

HEPLERBROOM, LLC

By: /s/Kurt A. Hentz #3378
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed on this 13th day of November, 2009, the foregoing with the Clerk of the Court using the CM/ECF and I hereby certify that I mailed by United States Postal Service, a copy of the document this 13th day of November, 2009 to:

Thomas P. Berra, Jr., Esq.
Duane L. Coleman, Esq.
Lynn S. Brackman, Esq.
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/s/